

Minimum Timekeeping Requirements for Labor-Hour Type Procurements to be Performed at Off-Lab Facilities

- A. For individuals operating as independent subcontractors with no employees and no plans to hire employees, and where the subject JPL Subcontract is the individual's only contract, the Subcontractor must maintain a weekly record of time expended in performance of the JPL Subcontract.
- B. For individuals with more than one subcontract, or subcontractors who have employees or who are contemplating hiring employees, the following payroll practices apply:
 - 1. Maintain records in compliance with 29 CFR 516.2(a), (b), and (c). (See page 2 of this form.)
 - 2. Maintain accountability for withholding and payment of all legally required payroll-related liabilities.
 - 3. Maintain an internal control system that protects the integrity of the payroll system.
 - 4. Maintain an accounting system that has the capability to segregate labor hours and resultant costs by contract and by job or work order when appropriate.
 - 5. In accordance with terms of the Article entitled "Timekeeping and Payments" (paragraph (g)) and the Article entitled "Audit and Examination of Records - Negotiation," JPL may make or cause to be made an audit of any or all of the above-described records.
- C. The above practices do not apply to consultants or second-tier independent contract labor services procured by subcontractors. Consultants and second-tier independent contractors are not considered to be employees of the Subcontractor. If the Subcontract authorizes such services, these charges must be clearly defined on invoices as consultant, subcontractor, or other direct charges and not as employees. This distinction must be made on all other applicable Subcontract and Subcontract-related documents as well.
- D. By acceptance of this Subcontract, the Subcontractor certifies that its timekeeping practices meet JPL requirements.

29 CFR 516.2

Employees subject to minimum wage or minimum and overtime provisions pursuant to section 6 or sections 6 and 7(a) of the Fair Labor Standards Act, hereafter referred to as the Act.

- (a) Items Required. Every employer shall maintain and preserve payroll or other records containing the following information and data with respect to each and every employee to whom section 6 or both sections 6 and 7(a) of the Act apply:
- (1) Name in full, as used for Social Security recordkeeping purposes, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records.
 - (2) Home address, including zip code.
 - (3) Date of birth, if under 19.
 - (4) Sex and occupation in which employed (sex may be indicated by use of the prefixes Mr., Mrs., Miss, or Ms.). (Employee's sex identification is related to the equal pay provisions of the Act which are administered by the Equal Employment Opportunity Commission. Other equal pay recordkeeping requirements are contained in 29 CFR Part 1620.)
 - (5) Time of day and day of week on which the employee's workweek begins (or for employees employed under section 7(k) of the Act, the starting time and length of each employee's work period). If the employee is part of a work force or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole workforce or establishment will suffice.
 - (6)
 - (i) Regular hourly rate of pay for any workweek in which overtime compensation is due under section 7(a) of the Act;
 - (ii) Explain basis of pay by indicating the monetary amount paid on a per hour, per day, per week, per piece, commission on sales, or other basis; and
 - (iii) The amount and nature of each payment which, pursuant to section 7(e) of the Act, is excluded from the "regular rate" (these records may be in the form of vouchers or other payment data).
 - (7) Hours worked each workday and total hours worked each workweek (for purposes of this section, a "workday" is any fixed period of 24 consecutive hours, and a "workweek" is any fixed and regularly recurring period of seven consecutive workdays).
 - (8) Total daily or weekly straight-time earnings or wages due for hours worked during the workday or workweek, exclusive of premium overtime compensation.
 - (9) Total premium pay for overtime hours. This amount excludes the straight-time earnings for overtime hours recorded under paragraph (a)(8) of this section.
 - (10) Total additions to or deductions from wages paid each pay period, including employee purchase orders or wage assignments. Also, in individual employee records, the dates, amounts, and nature of the items which make up the total additions and deductions.
 - (11) Total wages paid each pay period.
 - (12) Date of payment and the pay period covered by payment.
- (b) Records of Retroactive Payment of Wages. Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator of the Wage and Hour Division pursuant to section 16(c) and/or section 17 of the Act shall:
- (1) Record and preserve, as an entry on the pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment.
 - (2) Prepare a report of each such payment on a receipt form provided by or authorized by the Wage and Hour division, and:
 - (i) Preserve a copy as part of the records;
 - (ii) Deliver a copy to the employee; and
 - (iii) File the original, as evidence of payment by the employer and receipt by the employee, with the Administrator or an authorized representative within 10 days after payment is made.
- (c) Employees Working on Fixed Schedules. With respect to employees working on fixed schedules, an employer may maintain records showing instead of the hours worked each day and each workweek as required by paragraph (a)(7) of this section, the schedule of daily and weekly hours the employee normally works. Also:
- (1) In weeks in which an employee adheres to this schedule, indicates by check mark, statement, or other method that such hours were in fact actually worked by him; and
 - (2) In weeks in which more or less than the scheduled hours are worked, shows that exact number of hours worked each day and each week.